

FISCAL NOTE
SB 2473 - HB 3186

February 28, 2004

SUMMARY OF BILL: Provides, notwithstanding any rule or statute to the contrary in a criminal case in which the victim is less than 13 years of age and the defendant is charged with one of specified sex offenses or any attempt, solicitation or conspiracy to commit such offenses, evidence of the defendant's prior conviction for one of the specified sex offenses, where the victim was less than 13 years of age, is admissible subject to Rule 403 of the Rules of Evidence. In a case where the state intends to offer such evidence, the state shall disclose the evidence to the defendant 15 days before the trial or at a later time as the court may allow for good cause.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$332,500/Incarceration*

Estimate is based upon review of convictions for sexual offenses where the victims were less than 13 years of age. The details of the cases were reviewed and considered along with the patterns of indictment, pleading and conviction in these cases. In 2002 there were 67 convictions for rape of a child, a Class A felony requiring 100% of sentence to be served. It is assumed that two additional convictions would be elevated from a lesser offense to rape of a child under the provisions of the bill.

**Section 9-4-210, TCA, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated for operating cost, in current dollars, shall be based upon the highest cost of the next 10 years, beginning with the year the additional sentence to be served impacts the correctional facilities population.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in cursive script, appearing to read "James W. White".

James W. White, Executive Director